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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,446

07/07/2006

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EXAMINER

LE, HOA T

ART UNIT

PAPER NUMBER

1787

NOTIFICATION DATE

DELIVERY MODE

05/12/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-20, drawn to an inorganic powder.

Group II, claims 21-38, drawn to a resin composition.

2. The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

3. Group I invention solves the problem of providing an alternative inorganic powder, which is suitable as thermally conductive filler in resin compositions and allows high loading of the resin composition with the filler without causing the viscosity to increase too much.

Group II invention solves the problem of providing an alternative resin composition filled with the inorganic powder defined in claims 1 to 20 having a high thermal conductivity and electrical insulating properties and various products comprising this resin composition.

4. Non-unity a posteriori

Motivation of non-unity (Rule 13, PCT).

The problems mentioned above are solved by the two inventions as defined above.

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For unity a common concept, which is novel as well as inventive and linking the two inventions as defined above, must exist.

4.1. The common concept linking the two inventions above is the inorganic powder as defined in claim 1 having a frequency-size distribution with multiple peaks, wherein the peaks are present at least in the particle size regions from 0.2 to 2 micrometer and from 2 to 63 micrometer.

EP-A-276321 discloses mixtures of an alumina powder with an average particle size falling within the interval 0.2 to 2 micrometer and an alumina powder with an average particle size falling within the interval 2 to 63 micrometer. This mixture is incorporated in resin compositions with the objective of obtaining a high thermal conductivity. See Examples 12 to 17.

US-A-6284829 discloses a filler comprising an inorganic powder with an average particle size of 10 to 40 micrometer and an inorganic powder with an average particle size of 0.1 to 0.5 micrometer. The filler is incorporated in resin compositions with the objective of obtaining a high thermal conductivity. See claim 9.

EP-A-361109 discloses mixtures of a silica powder with an average particle size falling within the interval of 2 to 63 micrometer and a silica powder with an average particle size falling within the interval 0.2 to 2 micrometer. See examples 4 and 5 and claim 1.

4.2. The common concept linking the two inventions as defined above is therefore known from EP'321, US'829 and EP'109. No other common concept based upon the technical features of the set of claims appears to exist, which would overcome the non-

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unity objections made above. The present application does therefore not satisfy the requirements of Rule 13 PCT as non-unity a posteriori as defined above has been noted to exist.

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention or species.

Should applicant traverse on the ground that the inventions have unity of invention (37 CFR 1.475(a)), applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. Where such evidence or admission is provided by applicant, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. (Holly) T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 12:30 p.m. to 9:00 p.m. (EST), Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. (Holly) T. Le/
Primary Examiner, Art Unit 1787

May 8, 2010

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